

REMARKS

By the present amendment, Applicant has cancelled the reference to a "kit" in subject application. Claims 1, 2, 8, 9, 15, and 16 have been cancelled. New Claims 17 and 18 have been added.

In item 2 of the Office Action, the Examiner has rejected claims 8, 9, 15 and 16 (now cancelled) as being unpatentable over the card games Happy Families and Authors and recited that each of the games discloses a "kit". The reference to a "kit" in the subject application has now been cancelled.

In item 3 of the Office Action, the Examiner has rejected claims 1 and 2 (now cancelled) as being unpatentable over Happy Families or Authors as applied to claims 8 and 15 (now cancelled), and further in view of Jewett. In view of the comments and amendments made herein, and for the following additional comments, this rejection is deemed to be overcome.

The IEQG is considered an entirely new genre of social event games designed to encourage interaction of a larger group--as many as 100, for example, and where each member of the group may not know other members at the start of the game, but as the game progresses, there becomes greater opportunity for interaction because of the playing of the game.

Therefore, the IEQG is considered different from all other such games, such as Happy Families and Authors. The image on the face of the cards is not critical to the Game; there are no images that function as suits, there is no central resource deck; and there are

no melding activities. Players with all like-image cards exchange cards with other players to achieve all different-image cards in order to qualify for a reward, not just being declared a "winner". Secretly-coded cards relate to the reward availability. Secretly-coded cards are an intrinsic component of the Game--they do not vary from one play of the game and are not declared or designated during play. A game controller sets up the cards, distributes them to the players and determines the qualification for rewards. The rewards are an intrinsic component of the Game.

The cited prior art, such as the patent to Jewett, uses "special effects" cards, trump cards, wild cards and the like in the process of the game. Specially-coded cards are end result cards, leading to a "reward". None of the cited prior art uses secretly coded cards in the manner as disclosed herein and claimed. These cards are used to reward fewer players if the number of rewards is limited. The IEQG cards relate to the distribution of rewards as the goal of the game.

In items 4 and 5 of the Office Action, the Examiner has rejected claims 1, 2, 8, 9, 15 and 16 (now cancelled) under 35 U.S.C. 112, second paragraph as being indefinite for the use of various terms. The objections raised by the Examiner therein with respect to the terms "the first mode", "the second mode", "the game controller", "again", "the same number of like cards", "the secretly coded cards", and the "manner of winning" have been considered in the drafting of new claims 17 and 18 and the terminology now recited

therein is deemed to overcome these objections.

It appears that the Examiner considers the Interactive Exchange Qualification Game (IEQG) to be a parlor-type game. The references Happy Families and Authors and other similar game are parlor games. These games are for a limited number of players, usually around 2 to 4; sometimes up to 8. Although, theoretically, the number of players and decks in any game can be increased, the practical limit of the game is reached quickly when the players receive too few cards (if using standard playing cards) or can no longer reach the melding pile, the central deck, playing board or some other game resource. Winning in these parlor games is a declared event--someone wins and the game is over. With the IEQG the winner receives a reward. Every player can receive a reward; secretly coded cards can be used to give rewards to a limited number of winners.

The Examiner has commented on the image of the face of the cards. The invention, as now recited in the specification and as now claimed, merely recites the symbol to be a world landmark.

With respect to the "game controller, this person determines the number of players, the number of cards to be used, manner of play and provides the reward. The game controller is vital to defining the IEQG and is not deemed optional, ad hoc or just a monitor to see that the rules are followed.

In item 6 of the Office Action, the cited patent to Johnson that was made of record and not relied on, has been noted.

In addition to the above remarks, the following seven comments are made:

1. The IEQG is intended for large groups in an open environment where all players need not know all other players at the start of the game--a social event game and not a parlor game.

The number of players can be as high as 100 or more. This is a physical requirement--the game apparatus needs to provide cards for such a large group. This is not a characteristic of any other card game.

In a parlor game, some players may not know some of the players, but all players know a common player (the host or common friend); there are no strangers in the group.

At a wedding, for example, one entire group of "players" might not know the other entire group of players at the start of the game.

A casino might have gaming tables where strangers approach the table and play, but the players play against the house or against each other. The intent is to gamble and win and not to become acquainted and interact (although some social exchange can take place).

2. The objective of the game is two-fold: interact with many other players and qualify for a reward.

3. Rewards are an integral part of the game. All players may receive a reward, or if the number of rewards is limited, then a limited number of players receive a reward.

Winners receive a reward and are not merely "declared" as in

other card games.

If the number of rewards is limited, the first part of the game is a "qualification" process for the optional phase where secretly-coded cards are used to further "qualify" for a reward.

4. Secretly-coded cards are used if the number of rewards is limited and are not part of any other card game.

Secretly-coded cards have a variation which distinguish them from other such cards in their group and are not readily identifiable by the players: players would not know which card is secretly-coded until so informed by the game controller.

They are not wild cards, trump cards or special effects cards. Secretly-coded cards are used like any other cards and the number and identity of the secretly-coded cards is determined by the game controller.

5. Another element of the "qualification" process is the collection of the required number of cards.

An incomplete collection may not qualify for a reward; an incomplete collection may not qualify for a reward, even if the player has the secretly-coded card.

The game controller is responsible for determining the eligibility of players in this aspect of the game ("qualification") and the nature of the reward, if any.

6. There is a need for a "game controller" who defines the game, mode of play, distributes the playing cards and provides the rewards.

The game controller is not merely an "initiator" of the game, nor is the game controller merely a "monitor" or "referee" regarding the rules.

The game controller can define the game by distributing any number of the like/different cards provided, from 5 cards to 20 cards, for example.

If a group of players needs to exchange only 5 cards, the number of "interactions" required to accumulate the needed collection is lower than if they had to exchange 20 cards, or any other number of cards.

The variability is not part of any other card game in view of the cited prior art.

The game controller "invests" or "sponsors" the game through the process of providing the rewards. The rewards can be expensive (such as bottles of wine or CD's) or inexpensive (such as trading cards for a kid's birthday party) or have no monetary value (such as "winning" the first dance with the bride), but the game controller needs to specify the rewards and take some action or make some effort or spend some money to ensure the rewards are available. This is a critical and active part of the IEQG.


7. The IEQG is not self-defined and invariable; it does not have to be played in the same way every time it is played.

The number of cards, mode of play and manner of qualifying for rewards can vary, depending on the desired level of interaction and the number of rewards available.

Each of these characteristics taken by themselves are unique and substantial and not evident in the cited prior art. Taken together, the invention as now claimed, is considered to define patentable subject matter over the cited prior art.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Very truly yours,

A handwritten signature in cursive script that reads "Walter R. Baylor". The signature is written in dark ink and is positioned above the printed name.

Walter R. Baylor

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